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10/734,556	12/12/2003	Marcy R. Howerter	RSW9-2003-0249US1 (7161-1	2446

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ART UNIT	PAPER NUMBER
2192	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/734,556	HOWERTER ET AL.
	Examiner	Art Unit	
	J. Derek Rutten	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to Applicant's submission filed 3/27/07, responding to the

12/29/06 Office action which detailed the rejection of claims 1-18. No claims have been

amended, canceled, or added. Claims 1-18 remain pending in the application and have been

fully considered by the examiner.

Response to Arguments

2.   Applicants arguments filed 3/27/07 have been fully considered but they are not

persuasive. Applicants generally argue that the prior art of record (especially U.S. Patent

6,760,733 to Komine et al. (hereinafter "Komine")) does not disclose claim limitations. Note

that the claims are given their broadest reasonable interpretation consistent with the

specification. See MPEP 2111. Specific arguments are addressed below.

<u>In regard to claim 1</u>

3.   At the top of page 3, filed 3/27/07, Applicants essentially argue that the cited portion of

Komine, does not indicate an "integrated solutions console." Note that the recitation of an

"integrated solutions console" appears in the preamble of claim 1, and seems to provide an

intended use which has not been given patentable weight. A preamble is generally not accorded

any patentable weight where it merely recites the purpose of a process or the intended use of a

structure, and where the body of the claim does not depend on the preamble for completeness

but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*,

535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478,

481 (CCPA 1951). However, a further recitation of an "integrated solutions console" appears in

the body of claim 2 where it has been given patentable weight. For further clarification, reasonable broad interpretation of such an "integrated solutions console" appears implicitly throughout Komine, and can be interpreted as cited in the rejection of claim 4 and further provided through column 4 lines 49-53 in view of Fig. 1 elements 11 and 100. Therefore, Applicants' arguments are not persuasive.

4.   At the bottom of page 3, filed 3/27/07, Applicants essentially argue that the cited portion of Komine does not show an enterprise domain. However, reasonable broad interpretation of the claim limitations permits Komine to read on the claim. The originally filed specification does not appear to provide a special definition for the term "enterprise." As such, the system depicted in Fig. 21 is interpreted as providing a reading on the term "enterprise" since it consists of multiple networks of computers. Therefore, Applicants' arguments are not persuasive.

5.   At the top of page 4, filed 3/27/07, Applicants essentially argue that the cited portion of Komine does not teach consulting a registry for a placement of a new resource management object. However, as described in column 5 lines 62-67, the RMIB defines tree structure data and is interpreted as a base registry. This data must be consulted to form table 121 which is further interpreted as the RMIB (see column 6 lines 2-3). Without consulting RMIB, the tree manager would be unable to create a new object. See column 7 lines 4-35. As such, Applicants' arguments are not persuasive.

6.   At the bottom of page 4, filed 3/27/07, Applicants essentially argue that the cited portion of Komine does not teach configuration based upon a determined proper placement. However, Komine teaches determining proper placement in column 7 lines 4-35. Based upon the determined placement, the object is "configured" for insertion. Such elements requiring

configuration based upon the placement determination include those disclosed in column 6 lines

4-18. Therefore, Applicants' arguments are not persuasive.

In regard to claim 2

7.   At the bottom of page 5, filed 3/27/07, Applicants essentially argue that the cited portion

of the reference does not correlate with the cited portion from the rejection of claim 1. This

argument is addressed above in the response to previous arguments at the bottom of page 4, filed

3/27/07. As such, Applicants' arguments are not persuasive.

In regard to claims 11 and 15

8.   At the bottom of page 6, filed 3/27/07, Applicants essentially argue that the cited portion

of the reference does not teach configuration based upon the selected position. This arguments is

essentially addressed in the above response to arguments presented at the top of page 4, filed

3/27/07.

In regard to claims 4 and 7-8

9.   At the bottom of page 7, Applicants essentially argue that the prior art of record teaches a

hierarchy associated with multiple instances, not a single instance as claimed in claim 4.

However, the plain language of the claim simply recites "an instance." The language does not

restrict the system to a single instance, but merely requires that at least one instance exists.

Further, the cited client applications interact through "an instance" of the object management

system depicted as element 100 in Fig. 1, and element 200 in Fig. 21. Therefore, Applicants'

arguments are not persuasive.

In regard to claims 5, 6, 9, 10, 12, 13, 16, 17

10.   Arguments presented on pages 8-11 are based upon previously presented arguments and

are not persuasive for the reasons presented above.

Claim Rejections

11.   The text of the following rejections is reproduced for convenience from the previous

Office Action mailed 12/29/06.

Claim Rejections - 35 USC § 102

12.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13.   Claims 1-3, 11, 14, 15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated

by U.S. Patent 6,760,733 to Komine et al. (hereinafter "Komine").

In regard to claim 1, Komine discloses:

A method for collaboratively configuring resource objects for deployment in

instances of an integrated solutions console (see column 7 lines 4-5, e.g. "process"), *the*

method comprising the steps of:

programming a new resource management object to manage a corresponding

resource in an enterprise domain; See column 7 lines 5-7, e.g. "'RM7' is to be newly

created."

consulting a registry of existing resource management objects to determine a

proper placement for said new resource management object in a maximal hierarchy of

said existing resource management objects; See column 7 lines 18-19, e.g. "check the

current RM entries." Also see column 5 lines 62-67, e.g. "[hierarchical associations]

among RMs"

and,

configuring said new resource management object for insertion into said maximal

hierarchy based upon said determined proper placement. See column 7 lines 32-35, e.g.

"new record…is added to the RMIB."

In regard to claim 2, the above rejection of claim 1 is incorporated. Komine

further discloses: *editing a deployment descriptor for said new resource management*

object to indicate a proper placement of said new resource management object in a

navigation hierarchy of an instance of an integrated solutions console; and, modifying

said registry to indicate said proper placement. See Fig. 4. Also column 5 lines 23-28

and column 6 lines 5-7.

In regard to claim 3, the above rejection of claim 2 is incorporated.   Komine

further discloses: *modifying said registry to assign a unique identifier to said new*

resource management object.   See column 5 lines 23-28 and column 6 lines 13-14.

In regard to claim 11, Komine discloses:

A method for managing access to resource management objects disposed in a

hierarchical subset of resource management objects through an instance of an integrated

solutions console (see column 7 lines 4-5, e.g. "process"), *the method comprising the*

steps of:

identifying a new resource management object to be added to said hierarchical*

subset; See column 7 lines 9-10, e.g. "RM creation indication."

retrieving a real-time representation of a maximal expansion of said hierarchical

subset from a registry; See column 4 line 66 – column 5 line 2, e.g. "access to the

database 40 to obtain tree structure data."

selecting a position within said maximal expansion of said hierarchical subset

through said real-time representation; See column 7 lines 24-26, e.g. "results of such

tests."

adding said new resource management object to said maximal expansion of said

hierarchical subset at said selected position; See column 7 lines 26-28, e.g. "update the

tree structure data."

and,

modifying said real-time representation in said registry to reflect said new

resource management object. See column 7 lines 29-31, e.g. "requests the database 40 to

update the RMIB data."

In regard to claim 14, the above rejection of claim 11 is incorporated. Komine

further discloses: *assigning a unique identifier to said new resource management object;*

and, storing said unique identifier in said registry in association with said new resource

management object. See column 5 lines 23-28 and column 6 lines 13-14.

In regard to claim 15, Komine discloses:

A machine readable storage having stored thereon a computer program See

column 17 lines 46-49, e.g. "computer-readable medium." All further limitations have

been addressed in the above rejection of claim 11.

In regard to claim 18, the above rejection of claim 15 is incorporated. All further

limitations have been addressed in the above rejection of claim 14.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

15.   Claims 4, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Komine in view of U.S. Patent No. 6,072,492 to Schagen et al. (hereinafter "Schagen").

        In regard to claim 4, Komine discloses:

        A system for integrating and arranging resource management objects in an

integrated solutions console (See Fig. 1) *comprising:*

        an instance of an integrated solutions console; See column 4 lines 49-53, e.g.

"client applications."

        a registry configured to store a real-time maximal hierarchical representation of

a hierarchy of resource management objects registered for accessibility through said

instance of said integrated solutions console; See column 4 line 67 – column 5 line 2,

e.g. "access the **database** 40 to obtain **tree structure data** [emphasis added]." Also see

column 5 lines 19-22, e.g. "permits the client applications 11 and 12 to send operation

request messages, without managing for themselves the containment tree structure."

        and

        an interface to said registry programmed to render said hierarchical

representation and to register a new resource management object for accessibility

through said instance of said integrated solutions console from a position in a subset of

said hierarchy selected through said interface. See Fig. 24 (column 12 lines 27-30) and

Fig. 28 (column 13 lines 4-6) which generally describes the depiction of a hierarchical

representation, and using a subset of the hierarchy. Komine does not expressly disclose

the use of an "interface," or selecting using the interface. However, Schagen teaches that

a subset of a hierarchy can be selected using an interface. See Schagen column 6 lines 25-28, e.g. "selection by a user causes…level 104 to be presented to the user." It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Schagen's teaching of an interface for selection with Komine's hierarchical representation in order to provide improved accessibility to information items (see Schagen column 1 lines 65-67).

In regard to claim 7, the above rejection of claim 4 is incorporated. Komine further discloses: *wherein said maximal hierarchy comprises a plurality of containers arranged in a tree structure of parent nodes and children nodes in which said resource management objects can be disposed according to interrelationships between said resource management objects.* See column 5 lines 64-67.

In regard to claim 8, the above rejection of claim 4 is incorporated. Komine further discloses: *wherein each of said resource management objects comprises a unique identifier.* See column 6 lines 13-14.

16.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komine and Schagen as applied to claim 4 above, and further in view of prior art of record "A New Approach to Flexible, Adaptable Development Tools" by Adams (hereinafter "Adams").

In regard to claim 5, the above rejection of claim 4 is incorporated. Komine and Schagen do not expressly disclose: *wherein said interface is disposed within an integrated development environment.* However, Adams teaches the use of integrated development environments. See bottom of page 1, e.g. "IDE." It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Adams' IDE with Komine's management objects in order to utilize plug-in technology with a single interface (see Adams, bottom of page 1).

17.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komine and Schagen as applied to claim 4 above, and further in view of U.S. Patent No. 6,025,722 to Taghadoss (hereinafter "Taghadoss").

In regard to claim 6, the above rejection of claim 4 is incorporated. Komine and Schagen do not expressly disclose: *wherein selected ones of said resource management objects comprise performance monitors.* However, Taghadoss teaches performance monitoring. See column 1 lines 62-63. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Taghadoss' teaching of performance monitoring with Komine's management objects in order to meet the goals of network management systems (see Taghadoss column 1 lines 62-63).

18.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komine and

Schagen as applied to claim 4 above, and further in view of U.S. Patent No. 6,918,088 to Clark et

al. (hereinafter "Clark").

        In regard to claim 9, the above rejection of claim 4 is incorporated. Komine does

not expressly disclose: *wherein said instance of said integrated solutions console*

comprises a portal interface. However, Clark teaches the use of a portal interface. See

column 1 lines 36-39. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to use Clark's portal with Komine's management objects in

order to control access (see Clark column 1 lines 36-39).

19.   Claims 10, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Komine and Schagen as applied to claim 4 above, and further in view of U.S. Patent 5,680,619 to

Gudmundson et al. (hereinafter "Gudmundson").

        In regard to claim 10, the above rejection of claim 4 is incorporated. Komine

further discloses: *wherein said registry comprises a plurality of entries, each entry*

specifying a reference to a parent node and one of a container and a resource

management object. Komine and Schagen do not expressly disclose a container.

However, Gudmundson teaches the use of object containers. See column 8 lines 23-26.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to use Gudmundson's object container with Komine's entries in order to facilitate the development of applications (see Gudmundson column 8 lines 30-33).

In regard to claim 12, the above rejection of claim 11 is incorporated. Komine does not expressly disclose: *selecting a container within said maximal expansion of said hierarchical subset which relates to a function of said new resource management object.* However, Gudmundson teaches selection of a function container. See column 9 lines 14-16, e.g. "Behaviors." It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gudmundson's function container with Komine's objects in order to provide complex objects (see column 9 lines 9-13).

In regard to claim 16, the above rejection of claim 15 is incorporated. All further limitations have been addressed in the above rejection of claim 12.

20.   Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komine as applied to claim 11 above, and further in view of U.S. Patent 5,974,253 to Nahaboo et al. (hereinafter "Nahaboo").

In regard to claim 13, the above rejection of claim 11 is incorporated. Komine does not expressly disclose: *selecting a container within said maximal expansion of said hierarchical subset which relates to a resource type operated upon by said new resource management object.* However, Nahaboo teaches the selection of a container relating to a

type of a new object. See column 2 lines 43-49. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to use Nahaboo's type

container with Komine's objects in order to easily install object types (see Nahaboo

column 2 lines 48-49).

In regard to claim 17, the above rejection of claim 15 is incorporated. All further

limitations have been addressed in the above rejection of claim 13.

Conclusion

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

22.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Derek Rutten whose telephone number is (571)272-3703. The

examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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jdr

TUAN DAM
SUPERVISORY PATENT EXAMINER